



STUDENT SERVICES **TECHNICAL ASSISTANCE**

GUIDE

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The purpose of the **Student Services Technical Assistance Guide** is to provide an easy-to-use resource for school staff who work with students and their families every day. It is designed to provide an overview of various student services issues and legal considerations applicable to educational practice in Maryland public schools. This guide is most useful if utilized as a starting point in your research process.

The Maryland State Department of Education (MSDE) makes no representations as to whether the

laws and regulations referenced in this compilation are current and accurate beyond the publication date, as each of the topics herein is subject to updates that may affect the content. Given the state of flux of the laws and regulations on which this document is based, the guidance may also be out of date. Before relying on the information in this guide, you should confirm whether the laws or regulations you are relying on have been amended since publication. It is recommended that you confer with legal counsel for your school system on these issues.

Applying laws, policies,
and regulations in daily
practice is a skill.



INTRODUCTION

Use for Pre-service and In-service Programs

Uniform application of laws and regulations is the foundation of fairness and justice. Numerous laws, both federal and State, as well as local education and health policies affect professional practice on matters of confidentiality as it applies to educational records, health, student welfare, and safety issues. Most local school systems (LSSs) revise policies and regulations annually and every year new school staff are hired. There is therefore an ongoing need to provide pre-service information for new staff, particularly those coming from other states and jurisdictions and periodic in-service for long-term personnel on changes in law and practice.

This guide is intended to be a useful and practical resource for this purpose. Applying laws, policies, and regulations in daily practice is a skill. It requires accurate knowledge, and then correct interpretation for each individual situation, combined with sound decision-making skills and positive effective communication.

Format of Guide

This document provides guidance in four main areas: Records, Health, Student Welfare, and Safety Issues. Under each area there is a narrative section summarizing important points applicable to the issue addressed and legal references.

Appendices includes fact sheets of selected laws applicable to the issues that student services programs address. These are designed to provide a simple summary of the scope and content of each law and a quick reference tool. Additionally, supplementary information and sample forms are included. The **Index** is designed to assist the reader in finding information easily.

Finding Information Not Covered in Guide

There will be times when issues and questions arise that are not covered in this guide. The following steps may be helpful in making decisions that comply with the law and standards of ethical practice:

Use Available Resources.

- Review the law in its original form. Federal and Maryland laws are easily accessible on the internet, and most LSSs possess written copies.
- Review appropriate articles in professional publications. There is no substitute for ongoing participation in your professional organization and professional reading.
- Read applicable Maryland State documents such as the Maryland Student Records System Manual 2006, located at <http://www.marylandpublicschools.org/NR/rdonlyres/FCB60C1D-6CC2-4270-BDAA-153D67247324/5919/MarylandStudentRecordsManual2.pdf>

Consult with your immediate supervisor who may seek legal advice from your LSS attorney.

EDUCATIONAL RECORDS

Maintenance of Records

Local school systems must keep accurate and complete individual student records to provide written documentation of the student's academic program and individual progress. State regulation requires schools to have a system of information on enrollment, attendance, and promotion of students. Each school system may also collect additional information in accordance with local policies and regulations. The Maryland Student Records System Manual (2006) provides instructions and sample forms to assist in the maintenance of education record information.

Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), FERPA's implementing regulations (34 C.F.R. Part 99), and the Maryland student records regulations (COMAR 13A.08.02) protect the privacy of student records and also give parents, guardians, or eligible students the right to inspect and review the student's education record and to request that inaccuracies in the record be corrected. An eligible student is a student who is 18 years old or older or is attending an institution of postsecondary education. FERPA's legal protections apply to all student records containing personal information identifiable to the student and maintained by the school system or a party acting on the school's behalf, including disciplinary and health records. Health records created by the school health professional on behalf of the school, whether or not the health professional is a school employee, are a part of the education record. FERPA's protections do not apply to personal notes used as memory aids which are kept in the sole possession of the maker and are not accessible to third parties, or to records made solely by the law enforcement unit for law enforcement purposes; or to records concerning medical or mental health treatment of students 18 years or older used only in connection with that student's treatment. Records developed by school personnel regarding a report of child abuse and neglect are not part of the educational record.

Schools must inform parents and eligible students annually of their rights under the law and the means by which they may enforce those rights. (See Appendix A: Notification of Rights Under FERPA and Appendix B: Notification of Rights Under the Protection of Pupil Rights Amendment.) The annual notification must include the following: (1) the procedure to inspect and review education records; (2) the procedure to request amendment of education records; (3) a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if the school system or school discloses or intends to disclose personally identifiable information to school officials without consent; and (4) the right of parents to file a complaint with the Family Compliance Office in the United States Department of Education. Information on FERPA may be obtained from the Family Compliance Office of the U.S. Department of Education at www.ed.gov.

Right to Review and Correct Records

Parents, guardians, and eligible students have the right to inspect and review education records, and to request amendment of education records to change inaccurate or misleading information. Local school systems should require any requests for record information to be put in writing. It is recommended that a log be kept of any telephone requests in order to validate that the caller was informed of the school policy. Schools must comply with requests for such records within 45 days, and must provide copies for a reasonable fee. If an individual requests that the record be amended, and the school declines to do so, then the individual has the right to a hearing to challenge the content of the record if a hearing is requested. If the school refuses to remove the information after the hearing, the person contesting the information may include a position statement regarding the contested information in the student's record.

As already indicated, parents, guardians, and eligible students are permitted access to information contained

in the education record. Frequently, educators engage in telephone conversations with parents and guardians regarding a student's educational progress. If the educator has initiated the call and is familiar with the parent or guardian, there is little concern over the disclosure of confidential information. However, if there is doubt as to the identity of the caller, or if it is evident that the discussion will focus on considerable educational record information, then a face-to-face meeting is recommended in order to avoid improper disclosure of confidential information.

Disclosure of Directory Information

FERPA and its implementing regulations allow a school system to include certain information as directory information that may be disclosed provided that the parent, guardian, or eligible student does not object to the information being designated as directory. If the school system has a policy of disclosing directory information without consent, the school system must notify parents, guardians, or eligible students of the types of information that has been designated as directory information and the right to opt out of disclosure.

Despite FERPA's definition of what may constitute directory information, the State public records law further narrows the type of information that may be included as directory and to whom it may be disclosed. The State public records law prohibits the disclosure of the home address, home phone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student from an education record unless the disclosure is to the parent, guardian or eligible student, or to an elected or appointed official who supervises the student. The student's home address and home phone number may be disclosed to: (1) an organization of parents, teachers, students, or former students, or any combination of those groups, of the school; (2) an organization or force of the military; (3) a person engaged by a school or board of education to confirm a home address or home phone number; (4) a representative of a community college in the State; or (5) the Maryland Higher Education Commission.

In addition, Federal law now requires a school system to provide student names, addresses, and telephone listings to military recruiters, when requested, unless a parent, guardian, or eligible student has opted out of such disclosure.

Disclosure of Student Records

In general, schools may not disclose personally identifiable information from a student record, other than directory information, without first obtaining signed and dated written consent from the parent, guardian, or eligible student. The school system may presume that the parent, guardian, or eligible student giving consent has the authority to do so unless provided with evidence that a legally binding instrument, State law, or court order governing such matters as divorce, separation, or custody, provides to the contrary. The consent must specify the records to be disclosed, the purpose of the disclosure, and the party or class of parties to whom the records may be disclosed. The school system may develop a wide range content statement for the release of all data. When the school system discloses a record pursuant to written consent, a copy of the record must be provided to the parent, guardian, or eligible student upon request, and to a student who is not eligible upon request of the parent or guardian. (See Appendix C: Student Record Release Form.)

There are certain exceptions that allow disclosure without prior consent. The exceptions include the following: (1) disclosure to other school officials, including teachers within the school or school system, determined to have legitimate educational interests; (2) disclosure to officials of another school, school system, or institution of postsecondary education where the student seeks to or intends to enroll; (3) disclosure to certain authorized governmental officials; (4) disclosure in connection with financial aid for which the student has applied or received if the information is necessary to determine eligibility, amount, conditions, or to enforce the terms or conditions; (5) disclosure to organizations conducting certain types of studies for or on behalf of a LSS or school; (6) disclosure to accrediting organizations to carry out accrediting functions; (7) disclosure to parents or guardians of a dependent student as defined by the Internal Revenue Code; (8) disclosure to comply with a judicial order or lawfully issued subpoena provided the LSS meets certain requirements; (9) disclosure to the court when the school system is an opposing party of the parent, guardian, or eligible student and the information is relevant to advance or defend the case; (10) disclosure to appropriate parties in a health and safety emergency if certain conditions are met; (11) disclosure to a parent or guardian of a student who is not eligible or to an eligible student; and (12) disclosure of directory information. The third party receiving the information from the school system or school may not redisclose

the information to any other party without prior written consent of the parent, guardian, or eligible student.

The school system must maintain a record for each request for and each disclosure of personally identifiable information from the student records. The record of disclosure is kept with the student record and should indicate the parties who have requested or obtained the information and the legitimate interests these parties had in requesting or obtaining the information. The school system does not need to keep a record of disclosure for disclosure to the parent, guardian or eligible student, disclosure pursuant to written consent when the consent specifies the parties to whom disclosure is made, disclosure to school officials with legitimate educational interests, disclosure of directory information, or disclosure to a party seeking or receiving records as directed by a federal grand jury or other lawfully issued subpoena when the court orders that the information not be disclosed.

If the record is transmitted electronically, such as via the Internet or facsimile, confidentiality must be protected both by the sender and the receiver of the information in order to prevent the unauthorized release of personally identifiable information from the education record. Agencies should establish confidentiality protocols for the release of information in this manner.

Specific Disclosures/Records

- Information in a teacher's grade book should be treated as being protected from disclosure by FERPA. If a parent wishes to see his/her child's grade, as recorded in the grade book, the administrator or teacher should redact all other names and grades. The parent is entitled to see only his/her child's name and grade. Aggregated data results without individual names may be shared without parental consent.
- Information contained in a student record may be shared with school teams such as pupil services teams and student assistance teams provided that the team members have been identified as school officials with a legitimate educational interest in the information. Team members may be designated as school officials with legitimate educational interests in certain circumstances even if the team members are not school employees, such as school nurses employed by the health department.
- Individuals who serve at the school in a volunteer capacity typically lack a sufficient interest to justify

access to educational record information. In addition, individual privacy rights may be seriously implicated with regard to student and parent volunteers if access to student record information is permitted. If a volunteer does have an interest which justifies access, the school should only provide the volunteer with record information that is critical for the accomplishment of the volunteer duties. The school system is obligated to appropriately train volunteers on issues of confidentiality.

- The professional reports of an outside agency may be disclosed to another school in which the student seeks or intends to enroll provided such reports are a legitimate part of a student's education record and provided that there is no applicable law which would prohibit such disclosure. The disclosure is subject to various requirements as set forth in COMAR 13A.08.02.22.
- Information collected on the health room log is to be treated under the same standard as education records. Information on the health room log is only accessible to a parent/guardian as it relates to his/her child. When sharing this information with the parent/guardian or any other individual with whom the information may be legally disclosed, all other names and data not related to the student in question must be redacted and kept confidential. The designated health professional should be available to assist with interpreting the information.
- Electronic communications, such as e-mail, which contain personal information identifiable to the student and are maintained by the school system are considered a part of the education record. It is recommended that school staff refrain from using e-mail to discuss confidential information about students.
- If a parent or guardian has already made information about a student public, school officials should still keep the information confidential provided the information is part of the student record and the official learned of the information from the student record.

Additional Rights of Parents of Children with Disabilities

Children with disabilities and their parents have rights with respect to the collection of information for school records, and access to and disclosure of such information, as provided in FERPA and the Individuals

with Disabilities Education Act (IDEA)(20 U.S.C. §§1400 et seq.), if the student is eligible for special education services under IDEA. Among other things, IDEA's additional protections include the requirement that the school system inform parents when personally identifiable information is no longer needed to provide educational services to the child and destroy records at the request of the parents. The school system may keep a permanent record of a student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed without parental consent. (See IDEA Regulations, 34 C.F.R. §§300.560-300.576). In addition, parents have the right to inspect and review their child's records without unnecessary delay and before any Individual Educational Program (IEP) team meeting or due process hearing, and in no case, more than 45 days after the request to access the records.

Rights of Noncustodial Parents

School system staff must carefully read custodial documents which are provided to them. These documents become a part of the student record. In situations where the parents of a student are separated, divorced, or living apart, the school system must permit both the custodial and noncustodial parent to inspect, review, and obtain copies of the student records unless the custodial parent provides the school system with a copy of a court order or other legally binding instrument, such as a separation agreement, or the relevant parts of the document, which provides that the non-custodial parent may not have access to the student's records or other school related information. The school may assume both parents have FERPA rights unless provided with legal documentation to the contrary. School related information consists of documents, which are regularly provided to the custodial parent at school meetings, by mail, or by sending them

home with the student. Examples are statements on student and parent rights and responsibilities, school newsletters, school calendars, and notices of parent conferences, open houses, and plays. School related information also includes those student records, which are provided to the custodial parent such as report cards, disciplinary notices, and special education notices.

The school system may require a noncustodial parent who requests to be provided with the school related information that is provided to the custodial parent to pay a fee for the cost of copying and mailing of the documents. The school system may choose to have the parent pay a reasonable fee at the beginning of the school year or have the parent sign an agreement to reimburse the school system at the end of the school year. The school system must waive the costs for copying and mailing if the parent files a notarized statement that the parent is unable to pay the fees.

Penalties for FERPA Violations

The penalty for non-compliance with FERPA can be the withdrawal of U.S. Department of Education funds from the institution or agency that has been determined to be in violation of the law. The Family Policy Compliance Office of the U.S. Department of Education, charged with reviewing and investigating complaints, seeks to promote voluntary compliance with the law.

Source: 20 U.S.C. 1232g; 34 C.F.R. Part 99; 34 C.F.R. Part 300; COMAR 13A.08.02; Md. Code Ann., State Gov't §10-616(k)

The school system is obligated to appropriately train volunteers on issues of confidentiality.



Health Care Insurance Portability and Accountability Privacy Rule

The Health Insurance Portability and Accountability Act of 1996 (HIPAA)(Pub. L. 104-191, 110 Stat. 1936), required the U.S. Department of Health and Human Services to develop rules regarding the distribution and privacy of patient information. HIPAA's "Privacy Rule" provides standards to protect the security and privacy of "protected health information" (PHI). The Privacy Rule defines PHI as individually identifiable health information that is transmitted or maintained in any form or media. The definition of PHI specifically excludes any individually identifiable health information in an education record that is covered by FERPA. Thus, if student information is part of an education record that is protected by FERPA, the information is not subject to HIPAA's "Privacy Rule." For example, student immunization information, which is in the school's possession as part of an

education record, is protected by FERPA and not HIPAA's Privacy Rule.

HIPAA's requirements go far beyond the Privacy Rule and a school system may be affected by HIPAA requirements that have nothing to do with its confidentiality provisions. Specifically, there may be HIPAA implications in the area of special education health services. There may also be other HIPAA implications depending on the status of a school system under the law. We suggest that school systems confer with their legal counsel on HIPAA issues. Information on HIPAA may be obtained from the U.S. Department of Health and Human Services at www.os.dhhs.gov.

Source: Pub. L. 104-191, 100 Stat. 1936; 45 C.F.R. Parts 160 and 164

Psychological Assessment Protocols and Test Instruments

Parents of students sometimes request the disclosure of psychological assessment protocols and test instruments. School systems must take special care to ensure that school personnel do not violate confidentiality protections and copyrights of test publishers.

As used in this document, the term "psychological assessment protocol" means any form or other document completed or produced in the course of conducting a psychological assessment, intended to serve as a formal record of the subject's responses. Such protocols include the subject's test scores, the examiner's written record of the subject's responses, and the examiner's interpretive notes regarding the subject's performance, when such writings are intended to be included in the formal record. The term "psychological test instrument" refers to any form or other document used in the course of conducting a psychological assessment that includes the test questions.

Psychological Assessment Protocols and the Education Record

Federal and State law broadly define what is included in a student's education record. A student record means all records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. 34 CFR §99.3; COMAR 13A.08.02.03C. The definition includes both health and special education related records. Therefore, a psychological assessment protocol would generally fall within this definition as well.

The U.S. Office for Civil Rights has explicitly ruled that psychological test protocols used in the decision making process for students with disabilities are education records within the scope of FERPA. *St. Charles Community School Dist.*, 17 EHLR 18 (U.S. Dept. of Educ., OCR 1990). This ruling was reaffirmed in

Mequon-Thiensville (WI) School District, 40 IDELR 22 (U.S. Dept. of Educ., OCR 2003). Since the results of assessments are often critical to the education decision-making process for individual students, especially for students with disabilities for whom formal assessments are a requirement of IDEA, this conclusion appears reasonable. Moreover, disputes as to the accuracy and validity of assessments are not uncommon in special education litigation, and access to protocols may be necessary to resolve such disputes.

Psychological assessment protocols used in the development or management of a child's educational program should be kept in accordance with the Maryland Student Records System Manual 2006, like any other student record. An exception to this rule may apply in the case of a psychologist's personal notes.

Protocols versus "Personal Notes"

FERPA contains an express exception for the personal notes of an educator. Specifically, this exception applies to records that "are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record." 34 CFR §99.3(b)(1). Under this exception, personal notes of the tester or evaluator used to refresh his or her recollection of events may be shielded from disclosure as long as they are maintained by that individual and cannot be accessed by others. In addition, the exception only applies as long as the records or information contained in them are not disclosed to other parties. *Irvine (CA) Unified School Dist.*, 14 EHLR 353:192, 195 (U.S. Dept. of Educ., OCR 1989). For example, if a psychologist were to read a portion of his or her notes to other members of an Individualized Education Program (IEP) Team during the team's deliberations, then those notes would become subject to disclosure to the parent even if they are normally kept in the psychologist's own files.

Parental Requests to Inspect Protocols

A parent wishing to inspect and review the psychological assessment protocols should make a request to the school system in the same manner that the parent would request any other part of the child's education record. The school system must promptly respond to the request and arrange for inspection of the record within 45 days of the request. Before copying or

allowing inspection of psychological assessment protocols, it is important for school officials to determine whether the records at issue are copyrighted by their publisher, or subject to any other prohibition on access or copying for other purposes, such as test security.

Disclosure of Commercially Published Psychological Testing Instruments

Commercially published testing instruments are commonly protected by federal copyright laws and, accordingly, should not be copied without consent of the publisher. However, school systems may invoke an exception for this rule, known as the "fair use" doctrine, which permits the limited copying of copyrighted documents under certain circumstances. The making of a single copy of materials for educational purposes is likely to fall within this exception, unless special circumstances exist.

The copying of testing instruments may represent such special circumstances. In judging whether the copying of a work constitutes fair use, four factors must be weighed:

- The purpose and character of the use;
- The nature of the copyrighted work;
- The amount and substantiality of the copied portion; and
- The effect on the potential market for or value of the work. 17 U.S.C. 107(1).

With respect to a testing instrument intended for broad and repeated use, its copying would generally not fall into the "fair use" exception. While the first factor, the purpose of the use, weighs in favor of copying, the remaining factors do not. The creation of a test requires a great deal of original work by its creator; thus, its nature is "within the core of the copyright's protective purposes." *Campbell v. Acuff-Rose Music, Inc.*, 114 S. Ct 1164, 1175 (1994). In most instances, parents will ask to see the entire test, rather than a small extract or set of sample questions. Finally, dissemination of test questions would impair, and perhaps, destroy, the future value of the test, since they can never be reused once their security is breached. Under this reasoning, a federal court recently ruled in favor of the College Entrance Examination Board and barred New York State from providing copies of vari-

ous college admissions tests to the public under the "fair use" doctrine. *College Entrance Examination B.D. v. Pataki*, 889 F. Supp. 554 (N.D.N.Y. 1995). While this decision is from another jurisdiction, its reasoning is applicable to any situation in which copies of commercial test instruments are sought.

Moreover, many publishers also require that test purchasers agree not to disclose the contents of their testing instruments to any party, even if copying is not contemplated, for test security purposes.

In these situations, school systems are placed in a difficult situation when a parent requests copies or inspection of psychological test instruments.

School systems should also be aware that Maryland's

Public Information Act, Md. Code Ann., State Govt. §10-618(c), permits public agencies to deny access to testing instruments used for "academic" purposes, to the extent that the agency believes that disclosure would be "contrary to the public interest." §10-618(a). Additionally, the Protection of Pupil Rights Amendment ("PPRA"), 20 U.S.C. §1232h is a federal law which requires, among other things, that schools make instructional materials available for inspection by parents if those materials will be used in connection with a U.S. Department of Education funded survey, analysis, or evaluation in which their children participate. The materials include teacher's manuals, films, tapes, or other supplementary materials, which will be used in connection with the survey, analysis, or evaluation. 20 U.S.C. §1232h(a).

While there is no solution to the dilemma that will completely absolve school officials from potential legal liability, there are a few measures that may help to avoid or limit it:

- Provide the parent with all of those elements of the psychological protocol which are not legally protected, such as the child's answer sheet, general descriptions of the test and testing manuals, sample test questions, and any prepared summaries of the test results. Offer to have a professional familiar with the testing process answer any questions that the parent may have about the assessment, and explain that the actual test questions are legally protected from disclosure. In many cases, this information will satisfy the parent's desire for information about the test.
- If this is insufficient, suggest that the parent contact the test publisher for permission to review the testing instrument, or offer to contact the publisher to request such permission. Ask that the parent agree to honor the publisher's decision.

Source: 17 U.S.C. §107(1); 20 U.S.C. §1232h; 34 C.F.R. Part 99; COMAR 13A.08.02; 17 EHLR 18 (1990); 40 IDELR 22 (2003); *Campbell v. Acuff-Rose Music, Inc.*, 114 S. Ct 1164, 1175 (1994); *College Entrance Examination B.D. v. Pataki*, 889 F. Supp. 554 (N.D.N.Y. 1995); *Mequon-Thiensville (WI) School District*, 40 IDELR 22 (U.S. Dept. of Educ., OCR 2003); *St. Charles Community School Dist.*, 17 EHLR 18 (U.S. Dept. of Educ., OCR 1990); *Irvine (CA) Unified School Dist.*, 14 EHLR 353:192, 195 (U.S. Dept. of Educ., OCR 1989).



HEALTH

School Health Requirements

Health Information

Health records on enrolled students are maintained in accordance with Maryland Department of Health and Mental Hygiene and Maryland State Department of Education regulations. The Maryland Student Records System Manual (2006) provides detail on the data elements to be included on health screenings, examinations, and evaluations in order to document the student's pertinent health information, including provided health services. Local school systems may also have policies requiring the documentation of specific health information.

The health record is used as a source of information in planning educational programs and health services to ensure student health and continuity of care, as well as professional accountability. Maintenance of school health records on enrolled students is one of the responsibilities of the school health services staff. These records are routinely kept in the health office but they are part of a student's cumulative education record, and are re-inserted in the cumulative student record at transfer or graduation. Health records are transferred between schools and maintained if a student graduates or withdraws, in accordance with State and local procedures. As part of the education record, health records are subject to the dictates of FERPA.

Physical Examination

A physician or certified nurse practitioner must complete a physical examination of a child entering the Maryland Public School System within the 9-month period before the child enters the school system or within the 6-month period after entering the school system. Md. Code Ann., Educ. §7-402. This is documented on the Health Inventory form. The school system should make efforts to facilitate students and their families in obtaining a physical examination, however the student may not be excluded from school if unable to obtain a physical examination.

Immunizations

Evidence of complete primary immunizations against common childhood communicable diseases is required for all students enrolled in programs sponsored by the LSS. Exemptions from immunizations are permitted in certain specified circumstances. If the parent or guardian objects to the immunization on the ground that it conflicts with the parent's or guardian's bona fide religious beliefs and practices, the requirement that a physician's certification of immunization be presented prior to the child's admission to school may be waived. Students may also be exempted from the immunization requirements if a physician certifies that immunization is medically contraindicated, or detrimental to or not in the best interest of the child's health. Md. Code Ann., Educ. §7-403; COMAR 10.06.04.

Blood Tests for Lead Poisoning

Childhood lead poisoning is a significant environmental health threat to young children. Exposure to lead can cause problems such as developmental delays, learning disabilities, and behavioral problems. In 2000, the Maryland legislature enacted a law focused on areas of the state believed to pose an environmental risk for childhood lead poisoning. It includes the following provisions:

- The health care provider for a child who resides or has ever resided in an at risk area shall administer a blood test for lead poisoning during the 12 month visit and again during the 24 month visit. At-risk areas are listed on the back of the Maryland Department of Health and Mental Hygiene Blood Lead Testing Certificate (DHMH Form #4620).
- Upon entry into a Maryland public pre-kindergarten program or Maryland public school system at the level of pre-kindergarten, kindergarten, or first grade, a parent or guardian of a child who currently or has ever resided in an at-risk area shall provide within 20 calendar days of school entry evidence that the child has had blood lead testing.
- Evidence of blood lead testing for lead poisoning sent to or received by a program or school shall be documented on the Maryland Department of Health and Mental Hygiene Blood Lead Testing Certificate (DHMH Form #4620).
- A list of children whose parent/guardian does not comply with the requirement to provide evidence of blood lead testing must be forwarded to the local health department in the jurisdiction where the child resides.

Human Immunodeficiency Virus (HIV)

A student is not required to disclose his/her status of being infected with HIV to school authorities. The decision whether or not to disclose HIV infection is at the discretion of the parent/guardian on the advice of the infected individual's medical care provider.

Source: Md. Code Ann., Educ. §7-401; Health Gen. § 20-102; COMAR 13A.05.05.07

The school system should make efforts to facilitate students and their families in obtaining a physical examination.

Administration of Medication

The administration of medication in the school setting is a service offered to parents and students to promote wellness and decrease absenteeism. Treatment schedules that allow doses to be given at times other than during school hours are preferred and encouraged. When, in the opinion of the prescribing physician, it is necessary for medication to be given during school hours, such medication may be administered in accordance with law and the Maryland State School Health Services Guideline on the Administration of Medication in Schools. Each LSS shall develop procedures in consultation with appropriate health department officials.

The school health professional, in collaboration with the school administrator, implements the medication administration policy. A written record is kept every time medication is administered and is part of the student record. There should also be plans in place for the administration of oral medications in the absence of the school health professional. Unlicensed staff routinely administering medication must complete a medication technician program authorized by the Maryland Board of Nursing. Md. Code Ann., Health Occ. §8-6A-02.

Source: Md. Code Ann., Health Occ. §8-6A-02.

Minor's Capacity to Consent

Married or Parent

A minor has the same capacity as an adult to consent to medical treatment if the minor is married or is the parent of a child.

Emergency Treatment

A minor has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

Specific Treatment

A minor has the same capacity as an adult to consent to the following:

- Treatment for or advice about drug abuse;
- Treatment for or advice about alcoholism;
- Treatment for or advice about venereal disease;
- Treatment for or advice about pregnancy;
- Treatment for or advice about contraception other than sterilization;
- Physical examination and treatment of injuries from an alleged rape or sexual offense;
- Physical examination to obtain evidence of an alleged rape or sexual offense; and
- Initial medical screening and physical examination on and after admission of the minor into a detention center.

A minor has the same capacity to consent to psychological treatment for drug abuse or alcoholism if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

Contraception, Pregnancy, and Venereal Disease

School staff, upon learning that a student is seeking contraception, may be pregnant, or may have a venereal disease, should notify the designated school health professional. The designated health professional should consider the following factors in developing a plan of care:

- Whether the student has been a victim of child/sexual abuse.
- Whether the student's parents are aware of the student's pregnancy, venereal disease, or desire for contraception
- Whether the student has access to health care. If no access, referral to local health department is appropriate. The health department provides direct and indirect services for social, educational, and welfare needs of adolescents who are pregnant or at risk of pregnancy.

Refusal of Treatment

The capacity of a minor to consent to treatment for drug abuse or alcoholism does not include the capacity to refuse treatment for drug abuse or alcoholism in a certified inpatient alcohol or drug abuse treatment program for which a parent/guardian has given consent.

Disclosure of Information

Without the consent of or over the express objection of a minor, the attending physician, psychologist or, on advice or direction of the attending physician or psychologist, a member of the medical staff of a hospital or public clinic may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor under the minor consent law, except information about abortion.

Source: Md. Code Ann., Health Gen, §20-102



Substance Abuse

Confidentiality Issues

The confidentiality of substance abuse treatment records is governed by federal law, 42 U.S.C. §§ 290dd-3 and 290ee-3; 42 C.F.R. Part 2, and State law, §8-601 of the Health General Article. In general, information regarding alcohol and drug abuse treatment is confidential and may not be disclosed without consent of the individual except in certain limited circumstances as set forth in the law.

In situations where a student is not seeking help from school staff for substance abuse but school staff is concerned about the possibility of substance abuse, school staff should notify the school administrator and should refer the student to the Maryland Student Assistance Program (MSAP) team. In the absence of such a program, school staff should follow local policies and procedures. The MSAP team may notify the parent/guardian of the substance abuse concerns and encourage the parent/guardian to seek adolescent addictions counseling/treatment for the student. In situations in which a student is actively seeking help from school staff regarding substance abuse, consent from the student is generally necessary before school staff or the MSAP team may notify the parent/guardian.

If a student is enrolled in a federally assisted drug treatment program, no disclosure may be made of this fact or of any information concerning the substance abuse problem except by the treatment program unless the individual has consented to disclosure in writing. School staff should not assume responsibility for obtaining permission from the student to disclose treatment information. If school staff feel parents need to know, school staff should notify the counselor

in the treatment program and have the treatment counselor work with the student regarding disclosure.

Preservation of Rights of Student Seeking to Overcome Drug Abuse

Section 8-101(k) of the Health General Article defines drug abuse as “a disease which is characterized by a pattern of pathological use of a drug with repeated attempts to control the use, and with significant negative consequences in at least one of the following areas of life: medical, legal, financial, or psycho-social.”

Section 7-412(a) of the Education Article provides that if a student seeks information to overcome drug abuse from a teacher, counselor, principal, or other professional educator employed by an educational institution that has received a certificate of approval under §2-206 of the Education Article, a statement made by the student, whether in oral or written form, or an observation or conclusion derived from the statement is not admissible against the student in any proceeding. In addition, §7-412(b) provides that a rule, regulation, or order cannot direct the disclosure of any report, statement, observation, conclusion, or other information that has been assembled or obtained by an educator through this contact. If a student does not seek information to overcome drug abuse from school staff, §7-412 is inapplicable.

Source: 42 U.S.C. §§ 290dd-3 and 290ee-3; 42 C.F.R. Part 2; Md. Code Ann., Educ. §§ 2-206, 7-412; Md. Code Ann., Health Gen. §§ 8-101, 8-60



Communicable Diseases

Prevention of communicable disease in the school setting involves a variety of approaches including implementation of State immunization law, abiding by the Bloodborne Pathogen Standard, and hand washing. Staff, students, and parents share the responsibility for sustaining a healthful school environment.

The regulations contained in COMAR 10.06.01 set forth the reportable communicable diseases, conditions, outbreaks, and unusual manifestations; reporting procedures; control measures; and record maintenance. Teachers are required to report an occurrence of a reportable disease or condition, outbreak, or unusual manifestation to the principal, school health professional, superintendent, assistant superintendent, or superintendent's designee. Typically, the teacher will notify the school nurse or principal who in turn notifies the school system administrator. The principal, school nurse, superintendent, assistant superintendent, or superintendent's designee must immediately transmit to the health officer a report of the name and address of the child who appears to have or who has been exposed to a reportable communicable disease. COMAR 10.06.01.04. In practice, this report is generally made by the school nurse. The report to the health officer excludes non-reportable diseases common among school populations such as tinea capitis, pediculosis, impetigo, and scabies, which are managed following local health protocols.

Decisions regarding the presence and appropriate medical care and treatment of employees or students in school with suspected or diagnosed communicable disease are to be made on an individual basis. These judgments are made collaboratively with the health

Prevention of communicable disease in the school setting involves a variety of approaches.

department medical care providers. The following factors are considered in the placement of students and staff in the school setting who are carriers of infectious agents: the seriousness of the disease; the routes of transmission of the disease; the contagiousness of the disease; the behavior, neurological development and condition, and physical condition of the carrier; the susceptibility to the disease of those likely to be exposed to the carrier in the school setting; the precautions that may be taken to minimize or eliminate the danger of transmission; and precedents in the practice of public health. COMAR 10.06.01.06. In handling cases of communicable disease, school staff should be cognizant of confidentiality and privacy concerns.

(Information on reportable communicable diseases may be obtained from the Maryland Department of Health and Mental Hygiene at www.dhmf.state.md.us).

Source: COMAR 10.06.01

STUDENT WELFARE

Kinship Care

The LSS in the jurisdiction where the relative of the child in an informal kinship care arrangement resides is required to provide the child in the informal kinship care relationship an appropriate education.

Informal kinship care means a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the department of social services, provides for the care and custody of the child due to a serious family hardship. The law defines a serious family hardship as:

- Death of a parent or legal guardian of the child;
- Serious illness of a parent or legal guardian of the child;
- Drug addiction of a parent or legal guardian of the child;
- Incarceration of a parent or legal guardian of the child;
- Abandonment by a parent or legal guardian of a child; or
- Assignment of a parent or legal guardian of a child

to active military duty.

The law only applies to a child who was already a Maryland resident prior to going into informal kinship care.

The relative providing the informal kinship care must be an adult related to the child by blood or marriage within the fifth degree of consanguinity. The relative must verify the informal kinship care relationship through a sworn affidavit and must provide supporting documentation including, when possible, the telephone number and address of anyone legally authorized to reveal information which can be used to verify the information in the affidavit. The original affidavit and supporting documentation may be filed at any time, and then must be filed annually at least two weeks prior to the start of the school year. The person signing the affidavit does so under the penalties of perjury. (See Appendix D: Informal Kinship Care Authorization and Appendix E: Informal Kinship Care Affidavit.)

Source: Md. Code Ann., Educ. §§ 4-122.1, 7-101(c)



Homeless Students

McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act, as amended by the No Child Left Behind Act of 2001, requires each LSS in Maryland to be responsible for the education of homeless children and youth in the school district. Local school systems are required to develop, review, and revise policies to eliminate barriers to the enrollment, retention, and success in school of homeless children. Barriers include transportation issues; enrollment delays caused by residency requirements; lack of available records normally required for enrollment; guardianship issues; uniform or dress code requirements; and access to opportunities to meet the same challenging State student academic achievement standards to which all students are held.

Coordination and Provision of Support Services

Coordination and provision of support services are essential to the enrollment, retention, and success of homeless children and youth in school. Local school systems must coordinate with local social services agencies and other agencies or programs providing services to homeless children and youth and their families. Local school systems must also coordinate with each other on interdistrict issues, such as transportation or transfer of student records.

Local school systems are required to provide services to eligible homeless students in the LSS that are comparable to services offered to other students in the school. Such services include public preschool programs, educational programs or services, programs in career and technology education, special education programs, programs for gifted and talented students, before-school and after-school programs, school meal programs, and transportation. Each LSS must also designate a homeless education coordinator. By improving coordination with relevant education programs, LSSs provide homeless children the opportunity to meet the same challenging State student academic achievement standards to which all students are held.

School Placement of Homeless Students

Each school system shall, according to the child's or youth's best interest, establish a procedure to do the following:

- Continue the child's or youth's education in the school of origin for the duration of homelessness when the family becomes homeless between academic years or during an academic year, or for the remainder of the academic year, if the child or youth becomes permanently housed during the academic year; or
- Enroll the child or youth in any public school that non-homeless students living in the attendance areas in which the child or youth is living are eligible to attend.

In determining the best interest of the child or youth, the LSS shall, to the extent possible, keep the homeless child or youth in the school of origin, unless contrary to the wishes of the parent or guardian. In determining the best interest of the child or youth, the LSS shall consider the following factors:

- student's age;
- school which the student's siblings attend;
- student's experiences at the school of origin;
- student's academic needs;
- student's emotional needs;
- any other special needs of the family;
- continuity of instruction;
- length of stay in the shelter;
- the likely location of the family's future permanent housing;
- time remaining in the school year;
- distance of commute and impact it might have on the student's education and other student-centered, transportation-related factors; and
- the safety of child.

The LSS shall provide a written explanation to the homeless child's or youth's parent or guardian. The explanation must include a statement regarding the right to appeal if the LSS sends the child or youth to a school other than the school of origin or a school requested by the parent. In the case of an unaccompanied youth, the LSS shall ensure that the LSS homeless coordinator assists in the placement or enrollment decisions, considers the view of the unaccompanied youth

and provides notice to the youth of the right to appeal.

A homeless student shall remain in the school determined to be in the student's best interest for as long as the student remains homeless, or if the student becomes permanently housed, until the end of the academic year. Homeless students living separately from their parent shall be offered the same school choice option as other homeless students are offered.

Enrollment of Homeless Students

A school cannot deny enrollment to a student solely because the student is living in a shelter, lacks a permanent residence, or is otherwise homeless. The school in which the homeless student is placed shall immediately enroll the student, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. If the homeless student needs to obtain immunizations, or immunization or medical records, the receiving school shall immediately refer the parent or guardian of the homeless student to the LSS coordinator, who shall assist in obtaining these items. The school may not bar enrollment of the homeless student until it has made a diligent effort to assist the parent in obtaining the necessary immunizations or records of prior immunizations.

If a homeless student has left a school without officially transferring and obtaining the student's educational records, the school where the student is seeking to enroll shall register the student and immediately contact the former school for transfer information and other records. The receiving school shall provide appropriate special education and related services as soon as possible if the student is a student with disabilities. Upon request of the receiving school, the student's former school shall provide by telephone information regarding the homeless student and forward the student's records to the receiving school in a timely manner.

Transportation of Homeless Students

All LSSs must provide homeless children and youth with transportation services comparable to the services provided to non-homeless children attending the school that has been determined to be in the best

interest of the homeless student. If the student requires transportation to attend the school that is in his best interest, transportation shall be provided as long as the student attends the school of origin and remains homeless; or until the end of the current school year, if the student becomes permanently housed during the school year. All LSSs must notify the student and parent of the availability of transportation services if the services are necessary for the homeless student to attend the school which is in the student's best interest.

If the homeless student no longer resides in the area served by the LSS of origin and the student, through continuing education in the school of origin, begins living in an area served by another LSS, the two school systems shall agree on a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the school systems are unable to agree on a method for apportioning cost, the responsibility and costs for transportation shall be shared equally.

Dispute Resolution

Disputes arising regarding services to homeless children must be resolved in an expedited manner pursuant to a local grievance process. The school principal shall resolve a written complaint within five school days of receipt of the written complaint. Parents, guardians, or an unaccompanied homeless youth shall be provided with a written explanation of the school's decision, including the right to appeal. A parent, guardian, or unaccompanied homeless youth may file a written complaint with the local superintendent if dissatisfied with the resolution, or if the principal does not issue a decision within five school days. The local superintendent shall issue a decision within ten school days. If the local superintendent fails to issue the decision within ten school days, or if dissatisfied with the decision, the parent, guardian, or unaccompanied homeless youth may appeal the decision of the county superintendent to the local board of education in writing, within 30 days, in accordance with section 4-205(c) of the Education Article. All disputes shall be resolved within 45 days of receipt of the appeal. If the parent, guardian, or unaccompanied homeless youth is dissatisfied with the local board's decision, the individual may appeal the decision to the Maryland State Board of Education. The appeal to the State Board must be in writing, within 30 days of the local board's decision, pursuant to COMAR 13A.01.05.02.

The homeless student must remain enrolled in the LSS during the dispute resolution process. If the dispute concerns school selection or enrollment, the school system shall immediately admit the homeless student to the school in which enrollment is sought, pending resolution of the dispute. The school system shall also provide transportation to the parent-selected school for the duration of the dispute resolution process. The school shall provide to the parent, guardian, or unaccompanied homeless youth a written explanation of the school's decision regarding school selection or enrollment, including the right to appeal. The LSS shall refer the homeless student to the LSS coordinator, who shall assist with carrying out the dispute resolution process. In the case of an unaccompanied homeless youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

Duration of Services for Homeless Students

All homeless children and youth are eligible to receive services under the Education for Homeless Children and Youth program. A child or youth who ceases to be homeless may continue to receive services until the end of the period of time for which service was originally intended to be provided, which may be the end of the school year. A homeless child attending an after-school or summer program who moves into a permanent residence may remain in the program for the rest of that school year to the extent feasible. LSSs must determine on a case-by-case basis whether to continue services for these children and youth.

Source: 42 U.S.C. § 11431, et seq.; COMAR 13A.05.09.

All homeless children and youth are eligible to receive services under the Education for Homeless Children and Youth program.

Child Abuse and Neglect

Reporting

Any educator who has reason to believe that a child has been subjected to abuse has a duty to notify the local department of social services or the appropriate law enforcement agency. Any educator who has reason to believe that a child has been subjected to neglect has a duty to notify the local department of social services. Md. Code Ann., Fam. Law §5-704. Educator means any professional employee of any public, parochial, or private educational agency or institution. Md. Code Ann., Fam. Law §5-701.

Any good faith reason to believe that abuse or neglect occurred should be reported without attempts to do further investigation, interrogation, or any other verification. Direct knowledge of abuse or neglect is not necessary for reporting purposes. The educator must immediately notify and give all required information to the school administrator or that individual's designee. The reporting requirement applies to every incident of

suspected child abuse or neglect, even if the reporting source knows that the family is known to the local department of social services. Md. Code Ann., Fam. Law §5-704.

An educator must report orally, by telephone or direct communication, to the local department of social services or law enforcement agency as soon as possible. The educator must file a written report with the local department of social services or law enforcement agency within 48 hours after the contact. If abuse is suspected, a copy must also be sent to the State's Attorney's Office. The individual making the report should include the following information, to the extent possible: name, age, and home address of child; name and home address of child's parent or person responsible for child's care; whereabouts of child; nature and extent of abuse or neglect, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and any other information that would help determine the cause

of the suspected abuse or neglect and the identity of the person responsible for the abuse or neglect. Md. Code Ann., Fam. Law §5-704.

Educators who fail to report suspected child abuse or neglect may be subject to professional sanctions by their licensing/certification boards. For those who do report, the law provides protection for persons who make “good faith” reports by providing immunity from civil liability and criminal penalty. Md. Code Ann., Fam. Law §5-708. The Department of Social Services (DSS) may not identify an educator who is a reporting source without the consent of the individual, unless the reporter’s identity is necessary for determination of a court issue and has been court ordered. Disclosure in a court proceeding would generally be limited to legal counsel. COMAR .07.02.07.19. (See Appendix F: Individual Employee Responsibilities for Reporting Child Abuse and Appendix G: Child Abuse and Neglect: Know Your Responsibility).

Records

Child abuse and neglect reports are not a part of the student’s education record and should be maintained separately. Because child abuse and neglect reports are not part of the education record, they are not subject to the disclosure and other requirements of FERPA. Such records are, however, subject to State law concerning the confidentiality of child abuse and neglect reports. School systems may not share any child abuse information without the consent of the local protective services or law enforcement agencies. The law has a criminal penalty punishable by fine not exceeding \$500 or imprisonment not exceeding 90 days, or both. Md. Code Ann., Fam. Law §5-707; Md. Ann. Code art. 88A, §6; COMAR 07.02.07.19A.

Investigation

By Department of Social Services (DSS): State law requires that the local DSS conduct a thorough investigation to protect the health, safety, and welfare of the child. This investigation process includes a safety determination of all the children in the care of the alleged abuser or neglecter.

If a child is questioned by the protective services worker and/or police during the school day on school premises in an investigation of child abuse or neglect, whether the child is the alleged victim or a non-victim witness, the superintendent or designee should consult

with the individual worker to determine whether a school official should be present and whether the parent/guardian should be informed of the investigative questioning. The school is not required to notify parents/guardians of investigations of child abuse or neglect on school premises. It may be determined that disclosure to the parents would create a threat to the well being of the child. COMAR 13A.08.01.13.

By School System: A school system may conduct an internal personnel investigation if the suspected abuser is a school employee. However, the internal investigation must not occur until after the alleged abuse has been reported. DSS personnel and/or the police should be notified of the school system’s internal investigation. The investigation is subject to whatever limitations are imposed by the police or DSS. The victim of the alleged abuser and potential witnesses should not be interviewed without prior consent of those agencies.

Removal of Child

Police or protective services workers may remove a student from school grounds based on a child abuse or neglect investigation if DSS has guardianship of the child or possesses a court order. A joint decision by the principal and the protective services worker should be made regarding who will notify the parents/guardians of the action to remove the child from school. Usually the notification is made as part of the protective services worker’s contact made to arrange the family interview. In the absence of a joint decision, the superintendent or designee shall ensure that prompt notification or removal from school is made to the student’s parent/guardian.

In the absence of arrest or allegations of child abuse or neglect, school officials may not authorize the removal of a child from school grounds without consent from the parent/guardian, even if the police officer wishes to remove the child from school grounds for investigative questioning.

Source: Md. Code Ann., Fam. Law §§ 5-701, 5-704, 5-707, 5-708; Md. Code Ann., Art. 88A, § 6; COMAR 07.02.07.19; 13A.08.01.13

Emancipated Students

In Maryland, a student who is not yet 18 years of age is considered a minor. In certain circumstances, however, a minor may be considered to be emancipated. For school purposes, the emancipation of a minor is an issue of local determination. School staff must determine if the school system has a policy on emancipation. Listed below are some factors to be considered in determining whether a student is emancipated:

- The student is married. The school should require a copy of the marriage certificate for verification.
- The student is under age 18 and has been declared emancipated through the courts. The school should require a copy of the court decree for verification.
- The student is age 18 or older and living independently of his/her guardian. Verification that the stu-

dent is living independently should be requested.

- The student is a child with a disability who is age 18 or older. If certain conditions are satisfied, all rights accorded to parents under IDEA shall transfer to the child. See Md. Code Ann., Educ. §8-412.1.

Generally, a minor unmarried student who is living independently of the student's parent/guardian and who is not emancipated by court decree is still under the responsibility of the student's parent/guardian, with the exception set forth in §8-412-1. Information cards should reflect the current student address and the appropriate emergency numbers of the parent/guardian.

Source: Md. Code Ann., Educ., §8-412.1



Social Security Number

Neither the Maryland State Department of Education (MSDE) nor a LSS may make any right or privilege of public education contingent upon the disclosure of a student's social security number. Disclosure of the social security number must be voluntary. If a student's social security number has been voluntarily disclosed to the school system, the school system may use it as a unique identifier for reporting school data, provided that the requisite notice has been given to the parent, guardian, or eligible student. Such notice includes that disclosure of the social security number is voluntary, the statutory or other authority by which the number is solicited, and what uses will be made of the number. However, a public school may not print a student's social security number or have it printed on any type of identification card.

Source: 5 U.S.C. § 552(a)(Editor's comments); Md. Code Ann., Educ. § 7-113

SAFETY

Disciplinary Policies

Discipline Issues

Discipline is essential to the success of the total educational program. Without discipline, students cannot realize their greatest opportunities for growth and learning. School disciplinary policies provide for the safety and welfare of everyone in the school community.

An orderly school environment is maintained through sound disciplinary measures, which are administered following consistent principles of justice and fairness in a calm and dignified manner. Teachers, principals, school administrators, and local boards of education must support one another in following disciplinary laws, local policies and regulations. In this process, parents should be considered partners in the development of positive behaviors in students. Each school should maintain close communication between the school and the parents of its students in matters of discipline.

Each school system shall develop and implement a disciplinary policy designed to maintain an environment of order and discipline necessary for effective learning. The policy should provide for counseling and standards for appropriate disciplinary measures. Ideally, the policy should include sequential, progressive steps that involve appropriate school system personnel and parents. A student referred for disciplinary action shall receive oral or written notice of the reason for the referral and shall have the opportunity to present his/her side of the story before any disciplinary action is taken. Students who are disruptive to the operation of the school may be suspended or expelled in accordance with the procedures set forth in §7-305 of the Education Article, and COMAR 13A.08.01.11.

Suspension and Expulsion

Suspension of 10 School Days or Less

Each principal may suspend for cause a student in his/her charge for not more than 10 school days. The

student or the student's parent or guardian promptly shall be given a conference with the school principal or other appropriate personnel during the suspension period.

Suspension of More than 10 School Days

Upon the request of a school principal, the local superintendent may suspend a student for more than 10 school days or expel the student. The principal must immediately report the matter in writing to the local superintendent. The local superintendent or the superintendent's designee must make a thorough investigation. A conference shall be arranged with the student and the student's parent or guardian if the results of the investigation warrant a longer suspension or an expulsion. If the local superintendent or superintendent's designee find that a suspension of more than 10 days is warranted, the student or parent or guardian may appeal to the local board within 10 days after the determination.

Students With Disabilities (IDEA)

All suspensions and expulsions of students with disabilities should be reviewed on an individual basis by appropriate staff members with respect to the student's services and Individualized Education Program (IEP). All disciplinary actions must be consistent with §7-305(f) of the Education Article and COMAR 13A.08.03.

Section 504 Students (Rehabilitation Act of 1973)

All suspensions and expulsions of students identified as eligible for Section 504 services should be reviewed on an individual basis by the Section 504 team with respect to the student's accommodation plan.

School Bus Riding Privileges

The school principal has the authority to suspend the riding privileges of students who exhibit disciplinary problems on the bus. Parents of children whose

behavior and misconduct on school buses endangers the health, safety, and welfare of the bus driver and/or other riders may be notified that their children face the loss of school bus riding privileges in accordance with the student discipline code. Special transportation arrangements may need to be made to ensure that stu-

dents with disabilities receive specialized instruction and related services.

Source: Md. Code Ann., Educ. § 7-305; COMAR 13A.08.01.11; COMAR 13A.08.03

Discipline is essential to the success of the total educational program.

Search and Seizure

The Fourth Amendment to the United States Constitution is intended to ensure protection against unreasonable searches and seizures by government officials. In the public school setting, however, Fourth Amendment principles operate in a manner different than they operate in public settings generally. Pursuant to *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), the protection of the Fourth Amendment is lessened in the school setting because of the need for prompt and informal discipline and the need to maintain safety in the schools.

Search by Principal, Assistant Principal, or School Security Guard

Search of Student

A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises if the searcher has a reasonable belief that the student has in the his or her possession an item, the possession of which is a criminal offense under the Maryland law or a violation of any other Maryland law or a rule or regulation of the local board. The search must be made in the presence of a third party.

Search of School

A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances, including the lockers of students. This right to search must be announced or published previously in the school.

Search by Teacher

Search of Student

A local board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in his or her possession an item, the possession of which is a criminal offense under Maryland law or a violation of any other Maryland law or a rule or regulation of the local board. The teacher shall be designated in writing by a principal and receive training to conduct a search commensurate with the training received by a principal. The search must be made in the presence of a third party.

Source: Md. Code Ann., Educ. § 7-308; COMAR 13A.08.01.14; *New Jersey v. T.L.O.*, 469 U.S. 325 (1985)

Reportable Offenses

Reportable offenses are defined in §7-303 of the Education Article. Such offenses generally involve violent crimes, crimes involving weapons, or other very serious offenses. The presence in school of a student who has been charged by the police with involvement in a reportable offense outside of school may still pose a serious threat to the safety and well being of students and staff, and may pose a threat of disruption to the educational process.

If a child enrolled in the public school system is arrested for a reportable offense, the law enforcement agency making the arrest shall notify the local superintendent of the arrest within 24 hours of the arrest or as soon as practicable. Upon receipt of the information of an arrest of a student for a reportable offense, the local school superintendent, or designee, shall promptly provide the principal of the school in which the student is enrolled with the arrest information, including the charges. If the student is an identified student with disabilities who has been enrolled by the public school in a nonpublic school, the local superintendent must notify the principal of a nonpublic school.

The school principal or designee must immediately develop a plan that addresses appropriate educational programming and related services for the student. The plan must also maintain a safe and secure school environment for all students and school personnel.

The school principal or designee shall promptly schedule a conference to inform the parent or guardian of the plan if the plan results in a change to the student's educational program. The plan has to be implemented no later than 5 days after receipt of the arrest information. The State's Attorney shall promptly notify the local superintendent of the disposition of the

reportable offense. The school principal or designee with appropriate staff members must review the plan and the student's status and make adjustments as appropriate, upon notification of the disposition by the State's Attorney or at a minimum on a quarterly basis pending notification from the State's attorney. The parent or guardian must be informed of any adjustments to the plan.

The information obtained by the local superintendent regarding a reportable offense and its disposition is confidential and may not be redisclosed by subpoena or otherwise except by order of a juvenile court or other court upon good cause shown, or as provided by the reportable offense law. The reportable offense law, however, permits the local superintendent to transmit the information received from the law enforcement agency and the State's Attorney regarding the reportable offense as a confidential file to the local superintendent of another public school system in the State in which the student has been enrolled or transferred. The local superintendent may only transmit this information if it is to carry out the purpose of the reportable offense law and if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending. The local superintendent must include in his transmittal information regarding any educational programming and related services provided to the child.

Source: Md. Code Ann., Educ. § 7-303;
COMAR 13A.08.01.17

Corporal Punishment

Pursuant to § 7-306 of the Education Article and COMAR 13A.08.01.11E, corporal punishment is prohibited as a means of disciplining a student in the Maryland public schools.

Source: Md. Code Ann., § 7-306; COMAR 13A.08.01.11E



Harm to Self and Others

During initial contact with students, school psychologists, counselors, and other school staff need to inform students about the limits of confidentiality. If there is a suspicion of suicidal thoughts or other harm to self, threats to another, or threats to the school community, the situation must be reported to the school administration.

Duty of Reasonable Care - Eisel Decision

The Maryland Court of Appeals issued a decision in 1991 concerning the legal liability of a public school counselor with regard to a student's suicidal intent, *Eisel v. Bd. Of Educ. Of Montgomery County*, 324 Md. 376 (1991). This decision by the highest court in Maryland imposes a duty on school counselors to use reasonable means to attempt to prevent a suicide when they are on notice of a child or adolescent student's suicidal intent. In its decision, the Court noted that the relation of a school vis-à-vis a student is similar to one who stands in loco parentis. This results in a school having a special duty to exercise reasonable care to protect students from harm. The Court also noted that the student/counselor relationship possesses therapeutic overtones as evidenced by the job description for a school counselor in this case. While the Court did not impose a duty on the counselors to prevent the suicide itself, it imposed a duty on counselors to take reasonable steps to try to prevent the suicide, such as warning the student's parents and school administrators.

The evidence demonstrating that the counselors had notice of the possibility that the students would commit suicide came from fellow students. In addition, the suicidal student's denial to the counselors of any such information constituted no excuse not to report the situation to the parents and to the administration, according to the Court. Moreover, the school in question had a suicide prevention program prior to the deaths, which the counselors were found not to have utilized in their case.

Finally, in response to the notion that student confidentiality would be compromised if counselors were obligated to report their conversations with student to the parents, the Court noted that confidentiality does not bar the duty of reasonable care – in this case, notifying the parents of reports of suicidal statements and

information which might lead to suicide intervention – given that the school policy explicitly disavows confidentiality when suicide is the concern.

Reports of Suicidal Intent

If school staff become aware of a student's suicidal intent, staff should immediately notify the school administrator. The administrator should work with the school counselor to handle the situation. The parent or legal guardian should be immediately contacted and the student should not be left alone. Student services staff should provide immediate intervention and strategies to assist the student. Referral to appropriate agencies should be made. If referral and removal of the student to an outside agency is necessary, parental notification should happen before the student leaves the school premises. If staff suspect that suicidal intent is related to child abuse or neglect, the procedures for reporting child abuse and neglect should be followed.

Harm to Third Parties

If school staff have a reasonable belief based on the facts before them that a student is going to harm another person, it is imperative that a school administrator be immediately notified. The school administrator should notify the parent/guardian of the intended victim. The administrator should also notify the parent/guardian of the student who intends to do harm to the third party unless the school administrator has reason to believe that the student has been subject to abuse or neglect by the parent, in which case a report of suspected abuse or neglect must be made to the Department of Social Services. Notification of law enforcement of a student's intent to harm a third party is within the discretion of the school administrator.

Source: *Eisel v. Bd. Of Educ. Of Montgomery County*, 324 Md. 376 (1991)

Miscellaneous Safety

Illegal Acts

School staff should promptly report to the school administrator or designee any illegal activities committed by students that come to their attention, regardless of whether the actions take place on or off school premises. Such actions may include theft, vandalism, drug dealing, assault, etc. The school administrator will then take appropriate steps depending on the circumstances of the situation. Generally, the administrator will notify the student's parent/guardian, unless child abuse or neglect by the parent/guardian is suspected.

Runaway

If a student confides in a school staff person or school staff somehow become informed that a student is contemplating running away from home, immediate notification of the school administrator or designee is imperative. The administrator should notify the student's parent/guardian unless there is reason to believe that the student has been subjected to abuse or neglect by the parent/guardian.



APPENDICES

Appendix A

(Modified and reprinted from a U.S. Department of Education handbook)

Notification of Rights Under FERPA For Elementary and Secondary Institutions

The Family Education Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the St. Mary's County Public Schools receives a request for access.

Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask St. Mary's County Public Schools to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the school district decides not to amend the record as requested by the parent or eligible student,

St. Mary's County Public Schools will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by St. Mary's County Public Schools as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom St. Mary's County Public Schools has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); a person serving as a student assistance program team member; or a parent or student on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, St. Mary's County Public Schools discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by St. Mary's County Public Schools to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office , U.S. Department of Education
600 Independence Avenue, SW • Washington, DC 20202-4605

Appendix B

Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–
 1. Political affiliations or beliefs of the student or student's parent;
 2. Mental or psychological problems of the student or student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of–
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect upon request and before administration or use–
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

St. Mary's County Public Schools has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. St. Mary's County Public Schools will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. St. Mary's County Public Schools will also directly notify parents and eligible students at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:s:

Family Policy Compliance Office , U.S. Department of Education
600 Independence Avenue, SW • Washington, DC 20202-4605

COUNTY PUBLIC SCHOOLS

Sample Student Record Release Form (To Be Completed by Parent or Guardian)

HIPAA – Compliant Authorization for Exchange / Release of Immunizations / Health / Education Information

Patient/Student's Name: _____		D.O.B.: _____
Written*	<i>Written exchange of information relevant to reason for this request.</i>	
	I hereby authorize _____ (insert name, title, address, and telephone number)	
	to release my/my child's health/immunization or education information, records, or documents for the purpose(s) listed below to _____ (insert name, title, address, and telephone number)	
Verbal*	<i>Verbal exchange of information relevant to reason for this request.</i>	
	I hereby authorize _____ (insert name, title, address, and telephone number)	
	and _____ (insert name, title, address, and telephone number)	
to verbally exchange my/my child's health/immunization and education information/records for the purpose(s) listed		

* Information will be communicated only via the completed box(s) above.

Description:

The information to be disclosed consists of:

- ☐ Immunizations as Required by Annotated Code of Maryland, Educ §7-403
☐ Medication Order
☐ Treatment Order
☐ Other Medical Records _____
- ☐ Special Education Records
☐ Psychological/Psychiatric Evaluation
☐ Official School Records

Purpose:

This information will be used for the following purpose(s):

- Admission to School
- Educational Evaluation and Program Planning
- Other _____
- Medical Evaluation and Treatment
- Health Assessment and Planning for Health Care Services and Diagnosis in School

Authorization:

I, (name of parent or guardian) _____, authorize the disclosure of the above specified health/immunization and educational records to the individuals affiliated with the school as indicated above. I understand that, if the persons or organizations I authorize to receive and/or use the immunization records are not subject to the federal or state health information privacy laws, they may further disclose the immunization records, in which case, it may no longer be protected by the health information privacy laws.

This authorization is valid for one calendar year. It will expire on _____ (insert date). I understand that I may revoke this authorization at any time by submitting written notice of the withdrawal of my consent. I recognize that these records, once received by the school district, may not be protected by the HIPAA Privacy Rule, but will become education records protected by the Family Educational Rights and Privacy Act (FERPA) and become part of the student's cumulative record. I also understand that if I refuse to sign, such refusal will not interfere with my child's ability to obtain health care.

Parent's/Guardian's Signature

Date _____

Name Printed, Address and Telephone Number

Student's Signature*

Date _____

* If a minor student is authorized to consent to health care without parental consent under federal or state law, only the student shall sign this authorization form. In Maryland, a competent minor, depending on age, can consent to outpatient mental health care, drug and alcohol abuse treatment, testing for HIV/AIDS, and reproductive health care services.

White Copy: Parent or student*

Yellow Copy: Physician or other health care provider releasing the protected health information

Pink Copy: School official requesting/receiving the protected health information

Appendix D

_____ COUNTY PUBLIC SCHOOLS **Informal Kinship Care Authorization**

The undersigned parent or legal guardian designate _____ to

(Informal kinship caregiver)

be my representative in all educational matters involving _____ born on

(Date of birth)

(Name of student)

I authorize the caregiver to sign, as my representative and designee, all school-related documents, including but not limited to all releases, permission slips, Individualized Education Programs, Individualized Education Program (IEP) documents, consent forms for emergency medical treatment, and consent forms for evaluations. I further authorize _____ County Public Schools to release to the caregiver all school-related information and student records.

I agree that this authorization shall remain valid and binding until the serious hardship documented is resolved or for no longer than the current school year. This approval must be renewed annually.

(Parent or guardian)

(Date)

STATE OF MARYLAND, _____ COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 20 _____, before me the Subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared, and made oath in due form of law that the matters and facts set forth in the foregoing, are true and correct to the best of his/her knowledge, information, and belief.

WITNESS my hand and Notarial Seal _____

(Notary public)

My commission expires: _____

Office Use Only

Approved _____

(Director of Pupil Services)

Date _____

(School)

(Grade)

cc: Department of Pupil Services, School File, Caregiver

COUNTY PUBLIC SCHOOLS Informal Kinship Care Affidavit

- I. I, the undersigned, am over eighteen (18) years of age and competent to testify to the facts and matters set forth herein.
- II. _____ (name of child), whose date of birth is _____, is living with me because of the following serious family hardship:
- _____ Death of father/mother/legal guardian
 - _____ Serious illness of father/mother/legal guardian
 - _____ Drug addiction of father/mother/legal guardian
 - _____ Incarceration of father/mother/legal guardian
 - _____ Abandonment by father/mother/legal guardian
 - _____ Assignment of a parent or legal guardian of a child to active military duty
 - _____ Hardship as determined by the Director of Pupil Services – Attach documentation of hardship
- III. The name and last known address of the child's parent(s) or legal guardian is:
- _____
- _____
- _____
- IV. My kinship relation to the child is: _____
- V. My address is: _____
- | | | | | |
|--------|----------|------|-------|----------|
| Street | Apt. No. | City | State | Zip Code |
|--------|----------|------|-------|----------|
- Home Phone: _____ Work Phone: _____
- Cell Phone: _____ Pager: _____
- VI. I assumed informal kinship care of this child for 24 hours a day and seven days a week on:
- _____
- month/day/year
- VII. The name and address of the last school that the child attended is:
- _____
- VIII. The county superintendent may verify the facts contained in the foregoing affidavit and conduct an audit on a case-by-case basis after the child has been enrolled in the county public school system. If the county superintendent discovers fraud or misrepresentation, the child shall be removed from the county public school system roll.
- IX. I solemnly affirm, under the penalties of perjury, that the contents of the foregoing are true to the best of my knowledge, information, and belief.
- X. Any person who willfully makes a material misrepresentation in this affidavit shall be subject to a penalty payable to the county for three times the prorated share of tuition for the time the child fraudulently attends a public school in the county.

Signature: _____ Date: _____

___ Public School Witness: _____ Position: _____ Date: _____

cc: Department of Pupil Services, School File, Caregiver

Appendix F

Sample Individual Employee Responsibilities for Reporting Child Abuse

- A. Any employee of St. Mary's County Public Schools who has reason to believe that a child has been subject to child abuse/neglect must make an immediate oral report of suspected child abuse, child sexual abuse, or child neglect to the following:
1. St. Mary's County Department of Social Services (DSS) on business days (240-895-7016), or St. Mary's County Sheriff's Department (301-475-4200, option 1) during nonbusiness hours or days.
 2. School Principal
- B. **Maryland State Law requires that we MUST call DSS or the police if we "have reason to believe" that abuse or neglect has occurred. Our duty is NOT to investigate an alleged abuse or neglect case, just to report the case to the Protective Services section of DSS.**
- C. The person making the oral report of abuse or neglect must also submit a written report within 48 hours after making an oral report. **PS 600, Report of Suspected Child Abuse/Child Neglect**, is to be used. Copies of this form are available in the school office. See the box below for the addresses of agencies who receive copies of the report.
- D. The school's copy of the completed form should be kept separate from the student's cumulative folder.

Necessary Oral Report Information	Agencies to Receive a Copy of the Abuse or Neglect Report Within 48 Hours
<ol style="list-style-type: none">1. Child's Name and Date of Birth2. School and Grade3. Type of Referral<ul style="list-style-type: none">• Physical• Sexual• Mental Injury• Neglect4. Name of Persons Responsible for Child Parent/Guardian, Address, and Telephone Number5. Suspected Abuser6. Describe Nature of Injury	<ol style="list-style-type: none">1. School Principal2. Department of Pupil Services (metro)3. St. Mary's County Department of Social Services Child Protective Services 23110 Leonard Hall Drive P.O. Box 509 Leonardtown, Maryland 206504. St. Mary's County Sheriff's Office 23150 Leonard Hall Drive Leonardtown, Maryland 206505. State's Attorney for St. Mary's County P. O. Box 1755 Leonardtown, Maryland 20650

FROM: ST. MARY'S COUNTY PUBLIC SCHOOLS (Revised 08/23/2004)

Child Abuse and Neglect: Know Your Responsibility

Child abuse and neglect is a serious problem that requires the involvement of all citizens and professionals in the community for the purposes of prevention, identification, and treatment. In Maryland, the child abuse and neglect law requires that anyone who SUSPECTS a child has been or is being mistreated must report the matter to the Department of Social Services or the Police. Any professional who knowingly fails to make a required report may be subjected to certain professional sanctions. The professionals identified in Maryland Law include: health practitioners, police officers, educators, and social workers. Any person who, in good faith, makes a report of abuse or neglect is IMMUNE from any civil liability or criminal penalty. For your assistance, indicators are listed below.

Physical Abuse

Physical Indicators

Bruises: on any children; facial area; in unusual patterns; clustered in one area of the body; in various stages of healing; both eyes "blackened" with no injury to the nose.

Burns: caused by immersion in hot liquid; cigarette burns usually on palms of hands (leaving "crater" shaped burns); caused by hot implement, such as electric curling iron (leaving burn marks in the shape of the implement); or caused by ropes that indicate confinement.

Welts, cuts, abrasions, fractures, and internal injuries may also indicate abuse. Since these injuries may occur through normal childhood experiences, they should only cause concern when coupled with some other physical or behavioral indicator.

You should also be concerned if the injury does not seem likely to have resulted from normal activity, given the child's age and physical development.

Behavioral Indicators

Child: overly compliant, shy, or aggressive behavior; avoids parents; inhibited crying; hyperactive; avoids physical contact; low tolerance for frustration; distrustful.

Parent: holds unrealistic expectations for the child's physical or emotional development; "immature;" dependent; aggressive; low sense of self-esteem; sees the child as "bad," "different," or "evil;" low tolerance for frustration; inappropriate coping skills.

Mental Injury

Mental injury means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

Sexual Abuse

Physical Indicators

Child: difficulty in sitting or walking; repeated symptoms of medical problems with the genitals or digestive system; sexually transmitted diseases; pregnancy. You should also be concerned if the injury does not seem likely to have resulted from normal activity, given the child's age and physical development.

Behavioral Indicators

Child: unusual sexual behavior or knowledge; nightmares; poor peer relationships; few social skills, extremely isolated; repeated "runaways;" depression.

Parent: extremely overprotective; overly interested in child's social and sexual life; sees child as highly sexualized; jealous.

Sexual Harassment Adult/Student

Sexual harassment is unwanted and unwelcome behavior of a sexual nature which interferes with a student's right to learn, work, or participate in school activities in a comfortable and supportive atmosphere.

Neglect

Physical Indicators

A neglected child: extremely dirty and unkempt; left unattended or inadequately supervised for long periods of time; receiving inadequate medical or dental treatment; wearing inadequate or weather-inappropriate clothing; denied an adequate education due to parental action or inaction (e.g., some cases of truancy); ignored or badgered by caretaker; forced to engage in criminal behavior at the direction of the caretaker.

Behavioral Indicators

Child: withdrawn; shy; passive; always tired; developmentally slow.

Parent: apathetic; shows little concern or awareness of the child's needs; shows anger when questioned about child's care; impulsive in making decisions; inconsistent disciplinary practices; overwhelming personal needs.

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NOTES

STUDENT SERVICES TECHNICAL ASSISTANCE GUIDE



Division of Student, Family, and School Support

Student Services and Alternative
Programs Branch
200 West Baltimore Street
Baltimore, Maryland 21201
www.marylandpublicschools.org
410-767-0311
410.333.6442 (TTY)
www.marylandpublicschools.org